

**RECEIVED IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

2006 DEC 18 A 9:38

JEFFERY BAKER JR.,
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Petitioner,

vs.

RUSSELL THOMAS, *et al.*,

Respondents.,

Case No. 2:06-CV-061-ID

**TO: HONORABLE IRA DeMENT
SENIOR UNITED STATES DISTRICT JUDGE**

PETITIONER'S OJECTION TO THE ORDER OF THE MAGISTRATE

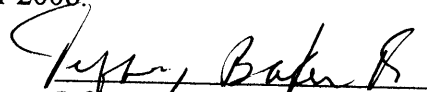
Comes now Petitioner, Jeffery Baker Jr, Pro-Se, unlearned in law; subject to error, respectfully in good faith, and objects to order of the magistrate judge (Doc. No. 33-1). Petitioner shows good grounds for such objection with the following:

1. Petitioner's Motion to stay (Doc. No. 32) is addressed to the Honorable Ira Dement, Senior United States District Judge assigned the case.
2. Petitioner has not been notified of magistrate judge Honorable Wallace Capel, Jr jurisdiction and authority in the pending matter before the United States District Court.
3. Petitioner's motion to stay and the Honorable Court's jurisdiction to grant said motion is specifically premised on §§28 U.S.C §§1651 (a), §2241(a), and 28 U.S.C. §2251 (a) (1).
3. Accordingly, only an Article III United States Judge may dispose of petitioner's motion to stay the judgment and sentence as presented for consideration.

5. Otherwise, petitioner is entitled to due notice and manner by which the Magistrate Judge; Honorable Wallace Capel Jr is assigned petitioner's case and his jurisdiction and authority to act on the behalf of the Article III District Judge assigned.

WHEREFORE, WITH ALL THINGS CONSIDERED, petitioner respectfully object to the denial of his Motion to Stay by Magistrate Judge, Honorable Wallace Capel Jr, without a statement of the reasons and finding therefor.

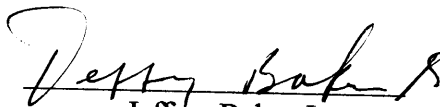
Respectfully submitted this 15th day of December 2006.


Jeffery Baker Jr.,
1357 County Road 3348
Brundidge, Alabama 36010
334-735-3548

CERTIFICATE OF SERVICE

I hereby certify that I have this day, December 15, 2006, served the forgoing objection on the Attorney of Record for the Respondents, by placing the same in the United States mail, with postage pre-paid and affixed thereto, and properly addressed as follows:

Mr. Cecil G. Brendle Jr.,
Assistant Attorney General
11 South Union Street
Montgomery, Al 36130-0152


Jeffery Baker Jr,